

CHAPTER 308 CITY DEVELOPMENT

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308-1. Department of City Development.

1. **CREATED.** There is created a department of city development which shall have the same status and standing as any other city department.

2. **FUNCTIONS, POWERS AND DUTIES.** The department of city development shall have the following authority, functions and responsibilities:

a. To develop comprehensive plans and programs designed to promote the overall development of the city.

b. To provide assistance and programs to further the economic development of the city.

c. To create and manage adequate public housing to meet the needs of the city's residents.

d. To actively manage and promote the conservation and redevelopment of property in the city, and other activities or projects related to community development.

e. To coordinate the use of land and recommend changes in land use patterns.

f. To provide real estate, relocation and other services to other city departments and agencies.

h. Pursuant to s. 200-24-1, to perform plan reviews, approvals and permit issuance for the erection, construction, enlargement, alteration, repair, moving, improvement, conversion to new uses, razing or demolition, occupancy and use of buildings or structures, and such other development-related activities as specified in this code.

i. Pursuant to s. 200-13-5, to keep comprehensive records of all applications for permits, of all permits and fees therefor, approvals and certificates of occupancy issued,

and to make such records available for public inspection or as certified copies. Certified copies of any record may be obtained upon payment of the fee specified in s. 200-33 and in compliance with any rules and regulations of the commissioner.

j. To perform such other duties and functions as are assigned to the department or the commissioner elsewhere in this code.

k. To contract with various departments and agencies for the performance of duties and responsibilities relating to the powers provided for in this section. The powers herein provided for shall be exercised subject to the approval of the common council or the housing authority, or the redevelopment authority, or the city plan commission, as the case may be.

L. To provide assistance related to housing activities that encourage reinvestment in residential property as part of an overall neighborhood economic stabilization strategy.

3. **COMMISSIONER.** a. **Authority.** The department of city development shall be under the supervision and direction of a commissioner who shall be known as the commissioner of city development. He shall be paid a salary as the common council shall by ordinance determine.

c. **Jurisdiction.** c-1. The commissioner of the department of city development shall have supervision, control and direction over all matters related to community development, city planning, urban renewal, real estate (except demolition and vacant lot maintenance) and development permit issuance activities.

c-2. The commissioner shall have such powers and duties with respect to redevelopment and public housing as from time to time may be delegated to him or her by either the common council, redevelopment authority, housing authority or city plan commission, as the case may be.

c-3. The commissioner of the department of city development is authorized to issue parking citations to illegally parked motor vehicles. Pursuant to sub. 6-b, the commissioner may designate special deputies within the department, including employees of the housing authority of the city of Milwaukee, to issue the citations to illegally parked motor vehicles on property under the ownership and

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control of the housing authority of the city of Milwaukee.

c-4. The commissioner shall have the building permit issuance authority of a "building inspector" as described in s. 62.23(9)(a), Wis.

Stats. Other duties of a "building inspector" described in this statute shall be the purview of the commissioner of neighborhood services, pursuant to s. 200-01-3-b.

d. To Act as Executive Director. Said commissioner of city development shall serve as the executive director of the redevelopment authority of the city of Milwaukee, executive director of the housing authority of the city of Milwaukee, and the executive secretary of the city plan commission of the city of Milwaukee, subject to the approval of the aforesaid agencies.

e. State Compliance. Nothing contained in this section shall be considered to mean that the position of executive director of the redevelopment authority, the position of executive director of the housing authority, or the position of executive secretary of the city plan commission, are transferred to the department of city development. The duties and responsibilities set forth by either the statutes or by other ordinances shall not be affected by any transfer provided for in this section.

6. ORGANIZATION. a. Departmental Divisions. The commissioner of the department of city development shall be empowered to establish divisions and sections within the department and shall make such assignments of personnel under his or her supervision and direction as he or she shall deem appropriate. Assignments may include designations of supervisory personnel for each of the divisions within the department, subject, however, to the provisions of the positions ordinance. In doing so, the commissioner shall cooperate with and receive the assistance of the department of employee relations.

b. Special Deputies and Their Authority. The commissioner of city development may from time to time appoint and designate competent persons within the department of city development to act for and in his stead in specified matters, as special deputy commissioner of city development without additional compensation. Such appointments shall be in writing and copies thereof filed with the city clerk and city comptroller setting forth the specific act each such deputy is authorized to perform in the name of the commissioner.

Such authority may be revoked or amended in the same manner. Within the scope of their specified authority, such deputies may perform any and all acts required by law of the commissioner. The commissioner shall be responsible for all acts of such deputies and may require that additional bonds be furnished to assure their faithful performance thereof.

7. ANNUAL BUDGET AND OPERATIONS. An annual budget shall be established for the department of city development. The commissioner is authorized to execute all vouchers, requisitions, transfers or other documents required in the performance of his duties and in carrying out the function of his department. The commissioner is also authorized to designate in writing and to delegate to appropriate staff the execution of all the above mentioned operations.

8. CITY SERVICE RULES. The personnel of the department of city development shall be selected, appointed and shall serve under the provisions of city service rules and procedures.

9. BENEFITS RETAINED. All employees of the city plan commission, housing authority and redevelopment authority who were transferred to the department of city development shall in all respects retain their civil service status, their pension rights and all other privileges and prerogatives which they possessed as employees at the time of transfer.

10. ANNUAL REPORT REQUIRED. The commissioner of the department of city development shall keep a record of all his acts and doings, which at all times shall be open to the inspection of the common council, any member thereof, or of any committee appointed by said council. He shall make a detailed annual report of the acts and doings of the department of city development to the common council, and oftener when required by the common council.

308-21. City Development, Annexation.

1. Section 62.07 (1) (a) and (b), (3), (4) and (6), Wis. Stats., 1949, and acts amendatory thereof and supplementary thereto, relating to annexation to territory and matters relevant thereto, are adopted by the common council and made applicable to the city of Milwaukee. Nothing contained herein shall in any way act to invalidate, by repeal of enabling legislation or otherwise, any annexation commenced previous to the effective date hereof under any other provisions of law, or to repeal or terminate the effect of such law prior

to the completion of such annexation; provided that, except as hereinbefore stated, all ordinances or parts of ordinances contravening the provisions of this section are repealed.

2. All matters pertaining to annexation, detachments, or consolidations, including but not limited to giving assistance to property owners and electors seeking annexation or consolidation, shall be the duty and responsibility of the department of city development.

308-22. Environmental Audit Required Prior to Disposition or Acquisition of Property.

1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of the department of city development.

b. "Environmental audit" means conducting and evaluating a series of studies regarding a property to determine if there are any potential or actual environmental hazards or hazardous substances present on the premises, or in any structure located on the premises. Environmental audits shall be identified as follows:

b-1. A phase I audit shall be the initial determination of a property's environmental status which shall include, but not be limited to:

b-1-a. A background check of the property's land use history.

b-1-b. An inspection of the site.

b-1-c. An inspection of the interior of each building on the property, provided legal access is obtainable. Such inspection may be performed, but shall not be required, if, historically, each building was used only as a tavern, restaurant, office, grocery store, department store, health clinic, church, theater, day care center, microbrewery, barber shop, beauty salon, sporting goods store, video store, hotel, multi-family dwelling with more than 4 units, or membership organization meeting room, hall or recreation or eating facility.

b-1-d. A surface soil gas survey.

b-1-e. A search for the location and contents of any underground storage tanks.

b-2. A phase II audit shall include sampling and analysis of site materials to determine the nature and extent of the contamination.

b-3. A phase III audit shall include the actions necessary to eliminate the contamination.

2. ENVIRONMENTAL AUDIT.

a. Required. Prior to the city's sale or acquisition of any property, including properties

in the in rem process, except those with one to 4 residential units, a Phase I environmental audit shall be conducted by the department of city development, in conjunction with the departments of neighborhood services and health.

b. Other Audits. The commissioner may authorize an environmental audit of any property to be purchased or sold or otherwise acquired by the city, including 1-4 family residential structures, if it appears that hazardous materials or substances are present on the premises, within any structure or building on the premises, or in the immediate vicinity of the property, prior to its being offered for sale or acquisition.

c. Exceptions. The city may purchase, sell or otherwise acquire property without conducting an environmental audit as required in this subsection provided approval of the common council, in the form of a 3/4 vote of all its members, has been obtained.

d. Coordinator. The health department's environmental scientist shall coordinate all environmental audits, in conjunction with the departments of neighborhood services and city development, and shall review the results, determine the environmental status of the property and present a written report to the commissioner.

e. Additional Environmental Audits. If the results of the phase I environmental audit indicate a need for further analysis of any potential environmental hazard associated with a property, the department of city development shall commence a phase II audit, and, if necessary, a phase III audit on behalf of the city, before the property is advertised for sale, or before an offer to purchase is accepted. The results of the audits shall be presented in a written report to the commissioner.

f. Reports to be Made Available. Any report concerning an environmental audit of city owned property shall be made available to prospective buyers and the general public, upon request.

g. Liability. Anyone who intends to acquire property from the city shall, prior to the closing of the property transfer, be required to sign a waiver holding the city harmless from any undetected or unknown environmental hazard that may be present in or on the property.

h. Acceptance of Real Estate As Gift. The city shall not accept any real estate property from any party as a gift without a

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satisfactory environmental audit of the property being performed by a professional contractor of the city's choice, at the donor's expense, prior to the city taking title to the property.

i. Security for City Owned Properties With Hazardous Materials. All city owned properties that have been determined to contain hazardous materials or wastes shall be secured to ensure that unauthorized entry is eliminated.

j. Land Acquisition for the Milwaukee School Board. The department of facilities and maintenance of the Milwaukee public schools shall administer the necessary environmental audits for property acquisition by the city for the Milwaukee school board.

308-23. Sale of Remnant Parcels.

1. RECORDING. It shall be the duty of the city real estate agent in all cases involving the disposition of remnant parcels of real estate which were acquired as a result of street widening projects to make and keep a permanent record of the description of the remnant parcels thus acquired and of the cost to the city thereof.

2. BIDDING; SALE. He shall advertise in the official city paper for at least 3 consecutive days and at least once in such other newspaper published or having a general circulation in the city as he may deem advisable stating such pertinent facts regarding such city-owned property necessary to enable any persons interested in its purchase to bid. All bids shall be for cash and shall be sealed and directed to the city real estate agent and shall be publicly opened and declared by him at the time set forth in said advertisement. At least 7 days shall elapse between the first advertisement and the submission of a written offer to purchase executed by the highest bidder to the common council. The common council, upon receipt of said offer, shall refer the same to an appropriate committee, and after the report of the committee, the common council shall either accept said offer based upon the gross consideration to be received by the city or reject said offer. A bank draft or certified check payable to the city in an amount equal to but not less than 10% of the bid price must accompany the bid. The real estate agent shall charge the expenses of the sale against the sales price and credit the balance of the proceeds received from the sale or other disposition of such property to the fund entitled "sale of city real property".

3. ADJACENT OWNER OF REMNANT PARCELS. It is further understood notwithstanding the duties of the real estate agent set forth in subs. 1 and 2, in those instances where an owner has property lying adjacent to remnant parcels of real estate acquired as a result of street widening projects, the real estate agent may, in his judgment, consider offers to purchase said remnants of real estate from said adjacent owner without competitive bidding, and the common council may accept said offers provided that the sale of said remnant parcels and the sale price is recommended by the city plan commission.

4. SIGNATURE ON DEED. The commissioner of city development or the commissioner's designee is authorized to sign, on behalf of the city, any deed executing the sale of a remnant parcel pursuant to this section.

308-28. Procedure for Vacating a Street or Alley. 1. ABUTTING PROPERTY OWNERS OR COMMON COUNCIL TO INITIATE. Pursuant to s. 62.73, Wis. Stats., vacation of any street or alley under the control of the city may be initiated either by a petition to the common council signed by the owners of all property which abuts the street or alley proposed for vacation or by a resolution adopted by the common council. Vacation may be initiated by common council resolution only if the city, one of its affiliated agencies or another governmental unit is the owner of property abutting the street or alley proposed for vacation, or if the vacation is a necessary component of a publicly-supported project of the city, one of its affiliated agencies or another governmental unit.

2. FILING OR FORWARDING OF PRELIMINARY VACATION APPLICATION OR VACATION INITIATION RESOLUTION. A preliminary application for vacation of a street or alley may be submitted by any owner of property which abuts the street or alley proposed for vacation. Such application shall be filed with the department of city development and shall be accompanied by the appropriate fee specified in s. 81-116-1. Alternatively, whenever the common council adopts a resolution initiating vacation proceedings, the city clerk shall forward a copy of the resolution to the department of city development.

3. DEPARTMENT OF CITY DEVELOPMENT TASKS. Upon receipt of a preliminary application for vacation of a street or alley, or a resolution initiating a vacation, the department of city development shall:

a. Prepare and submit to the city clerk, for introduction by the common council, a resolution vacating the street or alley proposed for vacation. If the vacation was initiated by common council resolution and the council desires to waive the charges identified in s. 81-116-1-c, the vacation resolution shall identify a specific alternative funding source, including a budgetary account number, to cover the costs associated with the vacation.

b. Forward a copy of the application or resolution to the department of public works for completion of the tasks specified in sub. 4.

4. DEPARTMENT OF PUBLIC WORKS TASKS. Upon receipt of a preliminary vacation application, or resolution initiating a vacation, from the department of city development, the department of public works shall complete the following tasks:

a. Prepare a map and legal description of the area to be vacated, said map and description to be used in processing the vacation proposal. Such map shall also show the boundaries of all properties which abut the area to be vacated and the tax key numbers of such properties.

b. If the vacation procedure was initiated by an application from a property owner, attach to the map and legal description one or more separate sheets of paper that list all tax key numbers shown on the map, along with the names of the owners of record of the corresponding properties as specified in the records of the commissioner of assessments. Next to each name there shall be a space for the property owner's signature and a space for notarization of such signature. This combination of map, legal description and ownership information shall constitute a vacation petition.

c. Provide notice of the proposed vacation to each private utility serving the area in question.

d. Transmit copies of the map and legal description, along with a request for written comments on the proposed vacation, to each division of the department of public works and to the fire department. The department of public works shall prepare a single, coordinated report containing comments and other information provided by its divisions and the fire department. The coordinated report shall

include a statement of the costs that will be incurred by the city as a result of the vacation, including, but not limited to, costs of easement preparation, pavement and light removal, closing of intersections, utility relocation or abandonment and equity in catch basins and street trees. In addition, the coordinated report shall include a benefit assessment for the proposed vacation prepared by the department of public works in accordance with s. 66.0703, Wis. Stats.

e. Transmit the completed map, legal description, list of tax key numbers and property owner names (if required) and coordinated report to the department of city development. The department of public works shall make its best effort to provide all of these items to the department of city development within 30 days of receipt of the preliminary vacation application, and, in the case of a vacation initiated by an application from an abutting property owner, may transmit the vacation petition to the department of city development before transmitting the coordinated report so as to expedite the process of collecting signatures on the petition.

5. COMPLETION OF APPLICATION. If a vacation petition was prepared pursuant to sub. 4-b, the department of city development shall, upon receipt of such petition from the department of public works, provide a copy of the vacation petition to the person who submitted the application so that said person may collect the notarized signatures of all owners of abutting property. Once all signatures have been collected, they shall be submitted along with the map and legal description to the department of city development and shall constitute a completed application for vacation of a street or alley.

6. PROCESSING OF VACATION PROPOSAL. Upon receipt of the map, legal description and coordinated report from the department of public works (in the case of a vacation initiated by common council resolution) or the completed vacation application described in sub. 5 (in the case of a petitioner-initiated vacation), the department of city development shall proceed to perform each of the following:

a. File a notice of the pendency of the application or proposal for vacation in the office of the Milwaukee county register of deeds.

b. If the vacation proposal was initiated by common council resolution, prepare a written report on the proposed vacation and

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submit such report to the city plan commission and the common council. This report shall include a summary of the comments, easement requests and vacation-related costs, if any, identified in the coordinated report of the department of public works, as well as the department of city development's evaluation of whether the vacation would be detrimental or beneficial to the public and to the city in terms of such factors as property access, traffic circulation, future land development and future use of the street or alley to be vacated.

c. If the vacation was initiated by a petition signed by the owner or owners of abutting property, mail written notice to the petitioner of any benefit assessment and vacation-related costs for the proposed vacation, as identified by the department of public works pursuant to sub. 4-d. Such notice shall indicate that the department of city development will schedule a proposed vacation for city plan commission action only after it has received full payment from the petitioner of any benefit assessment and vacation-related costs. The department of city development shall forward the required payment to the department of public works. Following receipt of the required payment, the department of city development shall schedule the proposed vacation for plan commission action and prepare the report required by par. b. In the event that the common council does not adopt the resolution vacating the street or alley, the city clerk shall inform the department of public works of such fact and the department shall return such deposited monies to the petitioner.

7. NOTICE OF HEARING. Owners of record of all property which abuts upon the street or alley proposed for vacation shall be notified by the city clerk of the common council committee hearing in the manner specified in s. 62.73, Wis. Stats. If only a portion of a street or alley is proposed for vacation, the city clerk shall notify owners of record of all property in the block in which that portion of the street or alley is located. The city clerk shall use the most current property ownership information available from the commissioner of assessments.

8. RECORDING OF RESOLUTION. Whenever the common council has adopted a vacation resolution, the department of city development shall record a certified copy of the resolution, together with the map and legal description of the area vacated, with the Milwaukee county register of deeds and mail a copy of the resolution to the petitioner.

308-33. Claims in Condemnation.

1. JURISDICTION. The department of city development shall have jurisdiction over all claims presented to the city for damages because of the taking or using of private property by the city for public purposes. The department of city development shall establish such forms as are necessary to administer the provisions of this section, and shall be authorized to distribute such forms to such departments, boards, commissions or persons. The department of city development shall consider all claims arising from condemnation proceedings instituted under subch. II, ch. 32, Wis. Stats., or under any other law under which the city is authorized to condemn, or arising by reason of negotiations under threat of condemnation under any such law. The department of city development may establish rules not inconsistent with this section to govern procedure.

2. COMPENSABLE ITEMS, ETC. For the purposes of this subsection, the definitions set forth shall apply, and compensable items for damage shall include those set forth herein under sub. 2:

a. Definitions. a-1. In this section a "person" means:

a-1-a. Any individual, partnership, corporation or association which owns a business concern; or

a-1-b. Any owner, part owner, tenant or sharecropper operating a farm; or

a-1-c. An individual who is the head of a family; or

a-1-d. An individual not a member of a family.

a-2. "Family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

a-3. "Displaced person" means any person who moves from real property on or after the effective date of this section **[Note: July 1, 1970; see also s. 308-33-6]** as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, which is subsequently acquired, in whole or in part, for public purposes, as the result of the acquisition for public purposes of other real property on which such person conducts a business or farm operation.

a-4. "Business" means any corporation, partnership, individual, other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity, necessitating fixtures, equipment, stock in trade or other tangible property for carrying on the business, profession or institution.

a-5. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

a-6. "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number of rooms, area of living space, type of construction, age, state of repair, type of neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the city and be decent, safe and sanitary.

b. Moving Expenses; Actual. The displaced person shall be compensated for his actual and reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property. Such relocation payments are limited only to new locations within 50 miles of the original site and within the state.

c. Moving Expenses; Optional Fixed Payments. c-1. Dwellings. Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this subdivision in lieu of the payments authorized in par. b may receive a moving expense allowance determined according to a schedule established by the department of city development not to exceed \$200 and dislocation allowance of \$100, such schedule to be approved by the common council.

c-2. Business and farm operations. Any displaced person who moves or discontinues his business or farm operation and who elects to accept payment authorized under this subdivision in lieu of the payment authorized under par. b may receive a fixed payment in an amount equal to the average net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the city is satisfied that the business:

c-2-a. Is not able to be relocated without a substantial loss of its existing patronage; and

c-2-b. Single commercial enterprise. It is not part of a commercial enterprise having at least one other establishment, not being acquired by the city which is engaged in the same or a similar business.

c-2-c. For the purpose of this subdivision, the term "average annual net earnings" means 1/2 of any net earnings of the business or farm operation, before payment of federal, state and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project. "Average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such 2-year period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make its state and federal income tax returns available and its financial statements and accounting records available for audit to determine the payment authorized by this subsection.

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d. Replacement Housing. In addition to amounts otherwise authorized the city shall make a payment to the owner of real property acquired for a project which is improved by a single, 2-family, or 3-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of the attempt to purchase such property. Such payment, not to exceed \$5,000, shall be the amount which, when added to the acquisition payment, equals the average price required for a comparable dwelling as determined by the department of city development. In the determination of such amount there shall be considered a comparable dwelling, adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment, and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a decent, safe and sanitary dwelling within one year subsequent to the date on which he moves from the dwelling acquired for the project. In addition to amounts otherwise authorized in this section, the city shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under par. b, which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of the attempt to purchase such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of a comparable dwelling and adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities, public and commercial facilities and places of employment.

e. Expenses Incidental to Transfer of Property. In addition to amounts otherwise authorized herein, the city shall reimburse the owner of real property acquired for a project for all reasonable and necessary expenses incurred for:

e-1. Recording fees, transfer taxes and similar expenses incidental to conveying such property.

e-2. Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if the mortgage is recorded or has been filed for recording as provided by law on the date the plan or improvement of such project is adopted by the city under subch. II, ch. 32, Wis. Stats.

e-3. The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the city or the effective date of possession of such real property by the city, whichever is earlier.

e-4. The cost of realigning personal property on the same site in partial takings or where realignment is required by reason of elimination or restriction of existing used right of access.

e-5. Net rental losses resulting from vacancies during the year preceding the taking of the property, provided that such loss is limited to the amount that exceeds the average annual rental losses caused by vacancies during the first 4 years of the 5-year period immediately preceding the taking; and such rental loss was caused by the proposed public land acquisition.

e-6. Expenses incurred for plans and specifications specifically designed for the property taken and which are no value elsewhere because of the taking.

f. Refinancing Costs. All expenses incurred by the owner to finance the purchase of another property substantially similar to the property taken provided that:

f-1. At the time of the taking the land condemned was subject to a bona fide mortgage or was held under a vendee's interest in a bona fide land contract; and

f-2. Such mortgage or land contract has been executed in good faith prior to the date of the adoption of the plan of improvement adopted by the city under subch. II, ch. 32, Wis. Stats. Such expenses shall include:

f-2-a. Reasonable fees, commissions, discounts, surveying costs and title evidence costs necessary to refinance the balance of the debt at the time of taking it actually incurred.

f-2-b. Increased interest costs above that provided in the former financing. The computation of the increased interest costs shall be based upon and limited to:

f-2-b-i. A principal amount of indebtedness not to exceed the unpaid debt at the date of taking.

f-2-b-ii. A term not to exceed the remaining term of the original mortgage or land contract at the date of taking.

f-2-b-iii. An interest rate not to exceed the prevailing rate charged by mortgage lending institutions doing business in the vicinity.

f-2-b-iv. The present worth of the future payments of increased interest computed at the same rate of interest as in subd. 2-b-iii.

g. Damages Not Included. Nothing herein shall be construed as creating in any condemnation proceedings brought under the provisions of subch. II, ch. 32, Wis. Stats., any element of damages.

h. Records. The department of city development shall maintain records for each project requiring a relocation payment plan. The records shall contain such information as is necessary to carry out the provisions herein; and such records shall be preserved for a period of not less than 3 years after the conclusion of the project to which the records pertain.

i. Costs. i-1. The costs of relocation payments and services shall be computed and paid by the city and included as part of the total project cost.

i-2. If there is a project cost sharing agreement between the city and another unit or level of government, the costs of relocation payments and services shall be shared in the same proportion as other project costs, unless otherwise provided. This direct proportion formula may be changed to take advantage of federal relocation subsidies.

3. FILING OF CLAIM FORMS. All claims must be filed on forms prepared by the department of city development, and the department of city development shall not consider any claim filed more than 2 years after the date of taking of the property for public use. For the purpose of applying this section, the "date of taking" means the date at which legal possession was transferred to the city by the terms of a negotiated sale, or the date fixed by the board of assessment as the date that title passed to the city under the provisions of subch. II, ch. 32, Wis. Stats., or the date under which such property is transferred to the city by operation of law under any other law used by the city in such condemnation. If such claim has been proved to the satisfaction of the department of city development to be a bona fide claim, and that it accurately reflects the costs incurred by those persons entitled to make

such claim and that the same is compensable under this section, the department of city development shall authorize a check to be drawn directly out of the project funds for the project involved without the intervention of a common council resolution for payment. The department of city development shall keep a written report of the receipt of each claim and the disposition thereof, and such records shall be deemed to be public records.

4. DEPARTMENTAL COOPERATION. The department of city development is authorized to call upon any employee, officer, board or commission of the city for aid and assistance in carrying out of its duties and functions and to make such investigations as are necessary in the furtherance of its duties and responsibilities.

5. APPEALS. Any person making a claim as provided by this section who shall feel aggrieved by reason of the fact that such claim is disallowed, or by reason of the amount thereof allowed or disallowed, may request the department of city development to refer such claim to the common council, and upon receipt thereof the common council shall refer such claim to one of its standing committees for hearing and recommendation. The city clerk shall cause a notice to be sent prior to such hearing to such claimants, stating the time and place of such hearing. Thereupon, after receiving the recommendation of its committee, the common council may by resolution take such further action as is deemed necessary by it. The decision of the common council shall be final, and if the common council shall authorize payment, the department of city development shall authorize a check to be drawn payable to the claimant directly out of project funds without the intervention of a common council resolution. If the common council shall deny the claim, the department of city development shall not thereafter consider the same claim.

6. AUTHORITY. This section shall be effective to vest authority in the department of city development to receive, adjudicate and pay condemnation claims to all persons displaced on or after July 1, 1970, wherever title to the property involved vested in the city.

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7. RELOCATION PLAN TO BE FILED.

Whenever proceedings are instituted under subch. II, ch. 32, Wis. Stats., the provisions herein shall be applicable.

a. The city shall not proceed with any property acquisition activities or any project which may involve acquisition of property and displacement of persons, business concerns, or farm operations until the department of city development has filed in writing a relocation plan and relocation assistance service plan and has both such plans approved by the common council.

b. The relocation assistance service plan shall contain evidence that reasonable and appropriate steps have been taken to:

b-1. Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.

b-2. Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.

b-3. Assist displaced owners or renters in the location of comparable dwellings.

b-4. Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.

b-5. Assist in minimizing hardships to displaced persons in adjusting to relocation.

b-6. Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may effect the implementation of the relocation program.

b-7. Determine the approximate number of persons, farms, or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.

b-8. Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards as provided in sub. 2-a-6. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

308-71. Architectural Review Board.

1. PURPOSE. a. Review. An architectural review board is created to review all applications for new construction and exterior modifications to buildings, structures and sites located in the district, except for those exempted under sub. 14, prior to the issuance of permits under s. 200-24 by the department of city development.

b. Jurisdiction. The jurisdiction of the review board shall be limited to the review of applications for certificates of appropriateness in the district, for compliance with the design guidelines. A copy of the design guidelines shall be filed in the legislative reference bureau.

2. DEFINITIONS. In this section:

a. "Alteration" means any material change in the exterior appearance of any building, structure or site within the district.

b. "Board" means the architectural review board.

c. "Certificate of appropriateness" means a certificate issued by the board approving construction, reconstruction or rehabilitation of a building, structure or site in the district.

d. "Design guidelines" means guidelines adopted by the common council for new construction and the alteration or rehabilitation of any exterior building, structure or site in the district.

e. "District" means the area designated by common council resolution 870501 as business improvement district #2. This area shall also be known as the "Historic Third Ward Arts District." "District" also means such additional areas as may be designated by the common council.

f. "Rehabilitation" means the improvement of property through repair or alteration.

3. COMPOSITION. a-1. The board shall be composed of 7 members. The members shall consist of one member of the historic preservation commission designated by its chair; the commissioner of neighborhood services or the commissioner's designee; one member of the common council representing the district under sub. 2-e, designated by the president of the common council, and 4 citizen members, a majority of whom shall own, occupy or reside on property in the district.

a-2. The common council president shall make his or her appointment within 60 days after commencement of a new common council term or within 60 days after a vacancy in such board position occurs, whichever is later. Citizen members shall be appointed by the mayor, subject to confirmation by the common council.

a-3. The common council board member may designate an alternate in writing by filing with the city clerk's office. The alternate may represent the common council member and exercise all powers of the member when such member is unable to attend board meetings.

b. Two of the initial citizen members shall be appointed for one year; one for 2 years and one for 3 years. Subsequent citizen members shall be appointed for terms of 3 years.

c. Each citizen member shall be exempt from city service provisions. Each member may be reappointed for succeeding terms and shall serve until a successor has been appointed and confirmed.

d. Any citizen member may be removed for cause by the mayor, after notice and hearing. When any member is removed or resigns, or when a vacancy occurs, the mayor shall appoint a new member in the same manner prescribed in this subsection.

e. Board members shall receive no compensation.

f. No member of the board shall vote on any matter that materially affects the property, income, or business interest of that member or gives the appearance of a conflict of interest.

4. FUNCTIONS, POWERS AND DUTIES. The board shall:

a. Adopt by-laws, rules and procedures concerning the operation of the board.

b. Designate one of its citizen members as its administrative officer to perform administrative functions pursuant to the direction of the board and to draft decisions, findings and orders for consideration by the board.

c. Utilize the design guidelines when considering applications for the alteration, relocation and new construction of buildings, structures and sites in the district.

d. Issue certificates of appropriateness for the alteration, rehabilitation or new construction of any building, structure or site within the district.

e. Advise and assist property owners and other persons and groups, about design guidelines, programs and regulations concerning the district.

f. Work closely with the department of neighborhood services to provide training and technical assistance on issues relating to the design, preservation, repair, renovation and maintenance of sites and structures within the district.

g. Make recommendations to the common council relative to amendments to the design guidelines and the designation of additional areas for inclusion within the district.

5. REGULATIONS. No owner, renter, occupant or person in charge of a building, structure or site within the district shall, with respect to the exterior, reconstruct or alter all, or any part of, or undertake any new construction, or permit any work to be performed upon a building, structure or site, nor shall the commissioner of city development issue a permit for any such work unless a certificate of appropriateness has been granted by the board, as provided in sub. 10.

a. Application. Applications for a certificate of appropriateness shall be obtained from and filed with the department of city development and then be forwarded to the board for review.

b-1. Review. Upon receipt of an application, the board shall review it at its next regular meeting, provided the application is complete and is received before the board's deadline for posting items on the agenda.

b-2. The board may designate one or more persons to approve specified projects that comply with the design guidelines without a hearing before the board, provided that the board shall first adopt a written policy on the types of projects which may be approved in this manner.

c. When reviewing an application, the board or its designee shall consider whether:

c-1-a. The proposed work would detrimentally change, destroy or adversely affect any significant architectural feature of the improvement upon which the work is to be done.

c-1-b. Construction of a new improvement would adversely affect or not harmonize with the appearance of other neighboring improvements on the site or within the district.

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c-1-c. The proposed construction, reconstruction or exterior alteration would conform to the objectives of the design guidelines.

c-2. After the review, the board may determine that the project is appropriate and issue a certificate of appropriateness or set a hearing date not to exceed 30 days from the date of the original review.

d. Notice of Hearing. Notice of a hearing shall be sent by certified mail, return receipt requested, addressed to the applicant's address as stated in the application. Notice shall also be posted by the city clerk and be sent to the common council member representing the district.

d-1. The notice to the applicant may contain requirements for supplemental information, including but not limited to photographs, plans, floor plans, elevations or detailed drawings of any building, structure, site or portion thereof.

d-2. If the applicant is unable to furnish any or all required supplemental information by the date set for the hearing, the applicant may request an adjournment. The board may also grant a request for an adjournment for any other good cause.

6. GUIDELINES. In determining whether to issue a certificate of appropriateness, the board shall utilize the design guidelines as well as the additional guidelines in subs. 7 to 9 in making its decision.

7. REHABILITATION AND ADDITION GUIDELINES. In determining whether to issue a certificate of appropriateness for rehabilitation or an addition, the board shall:

a. Consider whether the distinguishing original qualities, or character of a building, structure or site are preserved.

b. Recognize and treat with respect changes which may have taken place over the course of time as evidence of the history or development of a building, structure or site.

c. Treat with sensitivity distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site.

d. Consider whether a contemporary design for alterations and additions to existing properties preserves significant historical, architectural or cultural material and whether the design is compatible with the size, scale, color, material and character of the building, structure, site, neighborhood or environment.

8. NEWCONSTRUCTIONGUIDELINES.

a. In determining whether to issue a certificate of appropriateness for new construction, the board shall consider whether the new construction is compatible in scale, materials and quality of construction with adjacent buildings and structures in the district.

b. The board shall consider the compatibility of new construction with the existing character of the district, but shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction that will fit harmoniously into the district based upon, but not limited to, the following characteristics:

b-1. Scale: height and width.

b-2. Setback.

b-3. Orientation and site coverage.

b-4. Alignment, rhythm and spacing of buildings and structures.

b-5. Form and detail, with an emphasis on the relationship between old and new.

b-6. Materials, textures and colors.

b-7. Facade design and fenestral patterns.

b-8. Entrances and projections.

b-9. Roof forms.

b-10. Horizontal or vertical design emphasis.

9. SIGN GUIDELINES. In determining whether to issue a certificate of appropriateness for a sign or billboard in the district, the board shall consider whether:

a. The proposed sign or billboard conforms to the design guidelines.

b. The location or placement of the proposed sign or billboard would detract from the architectural or esthetic value of buildings, structures or sites in the district.

c. The location or placement of the proposed sign or billboard would jeopardize the safety of pedestrians or property.

10. CERTIFICATE OF APPROPRIATENESS. a. Issuance. a-1. If, after the board's review or a hearing, when necessary, the board determines that the application is consistent with the character of the district and the design guidelines, the applicant shall be notified of the board's decision and the board shall issue a certificate of appropriateness.

a-2. If, after review, an application is denied by the board, the board may, at its discretion, issue a certificate of appropriateness, provided the applicant agrees to make changes in the plan as specified by the board.

b. Notification. If, after a hearing, the application is denied, the board shall notify the applicant of its decision by certified mail, return receipt requested, within 15 days of its decision. The board shall set forth and record findings which constitute the basis for its decision. All decisions of the board shall be filed with the commissioners of neighborhood services and city development.

c. Appeal. Applicants may appeal to the common council. Appeals shall be in the form of a written request filed with the city clerk within 30 days after the mailing of the certified letter containing the board's decision. The city clerk shall file the appeal with the common council. The council shall hold a public hearing on the appeal and may, by a majority vote of its members, reverse or modify the decision of the board. Any appeal by the applicant of the common council's decision shall be in the nature of certiorari and shall be made to the court within 30 days from the date that the common council's action is final.

11. OTHER PERMITS AND APPROVALS REQUIRED. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other necessary permits and approvals required by the city. All other ordinances, rules and regulations of the city remain applicable.

12. COMPLIANCE WITH CERTIFICATES OF APPROPRIATENESS. a. Within 12 months of the issuance of the certificate of appropriateness, work on the project must begin and shall at all times be in compliance with the certificate, or the certificate shall be subject to revocation by the board.

b. Failure to comply with a certificate of appropriateness shall be a violation of this section. In the event work is being performed without, or not in accordance with, the required certificate of appropriateness, the board shall request that a stop work order be issued by the commissioner of neighborhood services.

13. MAINTENANCE AND REPAIR. To prevent the demolition or destruction, through neglect or vandalism, of a building, structure or site in the district, owners of property in the district shall keep both the interior and exterior portions of their properties in good repair and prevent their deterioration in accordance with ch. 275.

14. EXCEPTIONS. a. The Henry W. Maier Festival grounds, except for the grounds' perimeter fences, are exempted from the provisions of this section.

b. Ordinary maintenance and repair of buildings, structures or sites may be undertaken without a certificate of appropriateness, provided that the work involves maintenance or repair of existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the exterior appearance and does not require the issuance of a building permit.

15. VIOLATIONS. a. Whenever the commissioner of neighborhood services determines that a violation of this section exists or has reasonable grounds to believe that such a violation exists, the commissioner is authorized to order the owner to correct the violation or issue a stop work order, if requested, as provided in sub. 12-b.

b. Any person violating any provision of this section shall be subject to the penalties under s. 200-19.

308-81. Historic Preservation Commission.

1. PURPOSE AND INTENT. Pursuant to s. 62.23(7)(em), Wis. Stats., it is declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special architectural character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety, and welfare of the people. The purpose of this section is to:

a. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

b. Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.

c. Stabilize and improve property values.

d. Foster civic pride in the beauty and noble accomplishments of the past.

e. Protect and enhance the city attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

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f. Relate municipal programs in preserving housing and revitalizing commercial areas to the objectives of historic and architectural preservation.

g. Educate the public regarding the desirability of landmark designation and historic preservation as an enhancement of the quality of life.

h. Aid and assist individuals and public entities in the nomination of their properties to the national register of historic places.

1.5. EXEMPTION. This section shall not apply to the district specified in s. 308-71, except that the city may, with the concurrence of the architectural review board, designate the district as an historic district solely for the regulation of demolition permits in the district.

2. DEFINITIONS. The definitions shall be as follows unless the context requires otherwise:

a. **Alteration.** Any material change in the external architectural features of any historic structure or structures within a historic site or district.

b. **Certificate of appropriateness.** A certificate issued by the commission approving construction, reconstruction, rehabilitation or demolition of a historic structure or structures within a historic site or district.

c. **Commission.** The historic preservation commission created under this section.

d. **Demolition.** The complete or partial removal or destruction of any historic structure or any structure located within a historic district or site.

e. **Historic, architectural and cultural significance.** The attributes of a district, site or structure that possess integrity of location, design, settings, materials, workmanship and association which consider the following:

e-1. Its exemplification and development of the cultural, economic, social or historic heritage of the city of Milwaukee, state of Wisconsin or the United States.

e-2. Its location as a site of a significant historic event.

e-3. Its identification with a person or persons who significantly contributed to the culture and development of the city of Milwaukee.

e-4. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

e-5. Its embodiment of distinguishing characteristics of an architectural type or specimen.

e-6. Its identification as the work of an artist, architect, craftsmen or master builder whose individual works have influenced the development of the city of Milwaukee.

e-7. Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.

e-8. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif.

e-9. Its unique location as a singular physical characteristic which represents an established and familiar visual feature of a neighborhood, community or the city of Milwaukee.

f. **Historic district.** Contains improvements which:

f-1. Have historical, architectural or cultural significance or value as defined in sub. 2-e; and

f-2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the city; and

f-3. Cause such area, by reason of such factors, to constitute a distinct section of the city; and

f-4. Has been designated as a historic district by the common council.

g. **Historic site** means the real property:

g-1. On which a structure having historical significance is located; or

g-2. On which there is no structure, but which itself is of historical significance that has substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred; or

g-3. Has been designated a historic site by the common council.

h. **Historic structure** means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure by the common council.

i. **Improvements.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

j. Rehabilitation. Improving property through repair or alteration, making possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

3. MEMBERS. a. The members of the commission on October 31, 2001 shall continue to serve as members of the commission until 60 days after October 31, 2001. The terms of all incumbent members of the commission on October 31, 2001 shall expire 60 days after October 31, 2001.

b. Beginning 60 days after October 31, 2001, the commission shall be composed of 7 members. Of the membership, one shall be a registered architect; one shall be either an historian or an architectural historian, either interested in the field of historic preservation; one shall be a person experienced in either real estate development or real estate financing; one shall be a member of the common council; and 3 shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in preservation. These 7 shall be appointed by the mayor subject to confirmation by the common council. Two of the initial members shall be appointed for one year; 2 for 2 years; and 3 for 3 years. Subsequent members shall be appointed for terms of 3 years.

c. Members of the commission shall be exempt from city service provisions, and shall have been a resident of the city for at least one year immediately preceding appointment. Members may be reappointed for succeeding terms and each member shall serve until his or her successor has been named and qualified. Any member may be removed for just cause by the mayor upon notice and public hearing. When any member is removed or resigns, or when a vacancy occurs, the mayor shall appoint a new member in the same manner prescribed in par. b. Commission members shall receive no compensation.

4. RULES OF THE COMMISSION. The commission shall elect from its membership a chairman and a vice chairman whose terms of office shall be fixed by the commission. The chairman shall preside over the commission meetings and hearings and have the right to vote. The vice chairman shall in all cases of absence of the chairman perform the duties of the chairman. The commission shall adopt rules of procedure for the transaction of its business. The commission shall adopt as part of its rules, guidelines for recommending the

redesignation of previous landmarks. The commission shall adopt as part of its rules that meetings be held at least monthly throughout the year.

5. EXECUTIVE SECRETARY AND STAFF. Employees serving the commission shall be employees of the city and shall, unless exempted, be selected in accordance with city service rules and regulations. The commission shall appoint an executive secretary whose qualifications shall be determined by the commission. Such executive secretary shall act as a secretary of such commission and may have such duties, powers, and responsibilities as may be from time to time delegated to him by the commission.

6. FINANCIAL SUPPORT. The commission shall act as a policymaking body when administering donations, grants, and other financial assistance from any public body or agency including but not limited to the city of Milwaukee, the county of Milwaukee, the state of Wisconsin, and the government of the United States and any of its agencies, and from any private individual or group, for the purpose of carrying out the functions, powers, and duties of the commission. The commission may, in accordance with the provisions of s. 16.05, city charter, obtain agreements and contracts with public or private agencies or individuals, for the purpose of assisting the commission in carrying out its functions, powers, and duties.

7. FUNCTIONS, POWERS, AND DUTIES. In addition to such other powers, duties and authority as are set forth in this section, the commission shall:

a. Maintain or cause to be maintained a comprehensive survey of sites, structures, and districts in the city identifying its historic, cultural, and architectural resources.

b. Prepare or cause to be prepared a current list of potential sites, structures, and districts as determined by the survey to be designated as historical, cultural or architectural sites, structures or districts.

c. Prepare or cause to be prepared a master plan based on the survey that will delineate a proper course of action for historic preservation planning in the city. Any amendments to the master plan shall be made only after consideration of the criteria set forth in this section.

d. Prepare or cause to be prepared when necessary measured drawings, photographs and appropriate documentation for sites and structures that are clearly endangered.

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e. Recommend to the common council the designation of sites, structures, and districts as local historic sites, historic structures and historic districts. Once designated by the common council, such historic sites, structures and districts shall be subject to all provisions of this section, and the commissioner of city development shall file that designation in recordable form with the Milwaukee county register of deeds.

f. Issue certificates of appropriateness that will allow or deny the alteration, demolition or exterior change to any designated historic site or structure or improvement within a historic district.

g. Issue mothballing certificates to allow enforcement of the city's building maintenance and condemnation codes against vacant historic structures to be stayed.

h. Other Duties. In addition to those duties already specified in this section, the commission shall:

h-1. Work closely with the state of Wisconsin historic preservation officer in attempting to include such properties designated as historic sites, structures or districts in the national register of historic places.

h-2. Work for the continuing education of the citizens of Milwaukee about the historic heritage of this city and the historic sites, structures and districts designated under this section.

h-3. Receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city account for such purpose.

8. NOMINATION AND DESIGNATION OF HISTORIC SITES, STRUCTURES AND DISTRICTS. Any person may make application for nomination of a structure, site or area for historic designation to the commission. The commission shall contact the owner or owners of such real property of record and outline the reasons for and the effects of the designation on the structure, site or area under consideration.

a. Hearing. a-1. The commission shall schedule a public hearing on the question of the application for designation. Notice as to the time, place and purpose of the hearing shall be sent at least 25 days prior to the hearing to the following parties:

a-1-a. The owner of the subject property. This notice shall be by certified letter.

a-1-b. The city clerk and the common council member or members of the aldermanic district or districts in which the proposed designation is located.

a-1-c. All persons or corporations who own property that is within 200 feet of the proposed designation. This notice shall be first class mail.

a-2. Following the public hearing, the commission shall vote to make recommendations to the common council regarding the designation. A structure, site or area shall be deemed to be nominated for consideration as a historic structure, site or district when the commission has determined by a majority vote that the site, structure or area possesses one or more indicia of historical significance.

b. The commission shall make a recommendation with respect to the proposed designation in writing and shall notify the owner of the subject property and the common council. The commission shall set forth findings which constitute the basis for its recommendations. If the recommendations concern designation of a district, the commission shall consider and report in its findings the impact of designation on low and moderate income housing within the district.

c. The commission shall submit its recommendation for designation as a historic site, historic structure or historic district to the common council. The council in its decision on designation shall balance the interest of the public in preserving the affected property and the interest of the owner or owners in using the property for his or her purposes. If the council votes to approve the designation, the council's resolution shall by reference approve the study report for the proposed historic site, structure or district prepared by the historic preservation officer, including the preservation guidelines for the site, structure or district, subject to any modifications made to the report by the historic preservation commission or common council.

d. After the designation decision is final, the commission shall notify the owner of the subject property, the affected alderman, the commissioner of city development, the commissioner of public works, and the commissioner of neighborhood services. The commissioner of city development shall file, in recordable form, notice of the designation with the Milwaukee county register of deeds and shall cause such designation to be recorded.

e. In cases where the commission has nominated a site, structure or area for consideration for historic designation, final action, in accordance with this subsection, must be taken within 2 years of the date of nomination. If final action is not taken, the nomination of the site, structure or area is terminated.

f. Once a nomination for historic designation has been dismissed or denied, the same site, structure or area may not be renominated unless one of the following conditions is met:

f-1. Two years have passed since the nomination was dismissed or denied. In such cases, the renomination shall be considered a new nomination for the purposes of this section. In cases where a nomination is terminated pursuant to par. e, the 2 years shall be counted from the date of the termination.

f-2. The commission is presented with substantial new evidence that could not reasonably have been presented at the previous hearing. In such cases, this evidence, including photographs, shall be accompanied by an appropriate application form. No such renomination shall take place without the affirmative vote of a majority of the members of the commission.

f-3. All renominations shall be subject to the same notice requirements as the original public hearings.

8.5. AMENDMENTS TO ADOPTED GUIDELINES. For any designated historic site, structure or district, the common council may amend the preservation guidelines that it adopted at the time of designation of the site, structure or district pursuant to sub. 8-c. The procedure for amending the preservation guidelines shall be the same as the procedure for nomination and designation of historic sites, structures and districts, as set forth in sub. 8. The common council may amend preservation guidelines only after receiving a recommendation from the historic preservation commission.

9. REGULATION OF CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND DEMOLITION. No owner, renter, occupant or person in charge of a historic site, historic structure or an improvement within a historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such a property or

properties or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Unless such certificate has been granted by the commission, the commissioner of city development shall not issue a permit for any such work.

a. **Application.** Applications for certificates of appropriateness shall be filed with the historic preservation officer, which certificate shall permit the applicant to proceed in accordance with this section. The historic preservation officer shall immediately forward all applications to the commission for recommendation and report.

b. **Review.** Upon receipt of an application from the historic preservation officer, the commission shall review the project at its next regular meeting. The commission may find the project appropriate and direct a certificate to be issued or it shall set a public hearing date within 30 days of its original review. When reviewing the certificate application, the commission shall consider:

b-1. Whether, in the case of a designated historic site, structure or district, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and

b-2. Whether, in the case of construction of a new improvement upon a designated site or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

b-3. Whether, in the case of any property located in a historic district the proposed construction, reconstruction, exterior alteration, or demolition conforms to the objectives of the historic preservation plan for such district as duly adopted by the common council.

c. **Notification.** Notice of hearing shall be by certified letter addressed to the applicant at his or her residence or place of business, or if the applicant is a corporation, at the address stated in the application. There shall also be public notice given by the commission, as well as notice to the parties cited in sub. 8-a. The letter to the applicant may contain requirements for supplemental information, including but not limited to any photographs,

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plans, floor plans, elevations and detail drawings of any structure or portion thereof to be subject to change. If the applicant is unable to furnish any or all required supplemental information by the date set for a hearing on the application, the applicant may request such a delay in the hearing as may be reasonable for obtaining the same. The commission may also grant a request for a delay for any other good cause.

d. Hearing. If upon a hearing by the commission it appears that the proposed changes in the application are consistent with the character of the individual property or those of its district, the commission shall immediately direct the commissioner of city development to issue a certificate to the applicant. In making its determination on any application under this section, the commission shall apply the criteria set forth in sub. 10.

e. Issuance of Certificate. The commission may, at its discretion, direct issuance of a certificate conditioned upon applicant's acceptance of certain changes in his plan.

f. Appeal. If upon a hearing by the commission the application for a certificate is disapproved and no conditional certificate is issued, or the applicant refuses to accept the changes in the plans recommended by the commission, the commission shall notify the applicant of its decision by certified mail within 15 days. The aggrieved applicant may appeal to the common council. Appeals shall be by a written request filed with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision. The city clerk shall file the request to appeal with the common council. After a public hearing, the council may, by vote of 2/3 of its members, reverse or modify the decision of the commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the council finds that, owing to special conditions pertaining to the specific piece of property, failure to grant the certificate of appropriateness will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal of modification of the commission's decision.

g. Demolition. Notwithstanding the provisions of the preceding paragraphs, if an applicant for a certificate of appropriateness seeks approval for demolition, the commission may by affirmative vote within 30 days after the public hearing defer determination on the application for a period not to exceed one year from the date of application for the demolition permit, and shall provide the applicant with a written report setting forth the reason or reasons for its deferral on the certificate application. An applicant whose application for certification of appropriateness for demolition has been deferred may appeal the deferral to the administrative review appeals board pursuant to s. 320-11. If the commission determines to defer a demolition on the application, the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a mutually agreeable method of saving the subject property. Furthermore, during this time, the owner shall take whatever steps are necessary to prevent further deterioration of the building. At the end of the one year period, the commission shall act on the suspended application by either granting or refusing to grant a certificate of appropriateness for the proposed demolition.

h. Certificate of Appropriateness. In determining whether to issue a certificate of appropriateness for any demolition, the commission shall consider and may give decisive weight to any or all of the following:

h-1. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state.

h-2. Whether the building or structure, although not itself an individually designated historic building, contributes to the distinctive architectural or historic character of the district as a whole and should be preserved for the benefit of the people of the city and the state.

h-3. Whether demolition of the subject property would be contrary to the purpose and intent of this section and to the objectives of the historic preservation plan for the applicable district as duly adopted by the common council.

h-4. Whether the building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.

h-5. Whether retention of the building or structure would promote the general welfare of the people of the city and the state by encouraging study of American history, architecture, and design, or by developing an understanding of American culture and heritage.

h-6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore or use it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness.

h-7. Whether any new structure proposed to be constructed, or change in use proposed to be made, is compatible with the buildings and character of the district in which the subject property is located.

i-1. Enforcement and Penalties. Any violations of this section shall be subject to the building code enforcement provisions of s. 200-11-3 and s. 200-12-1 and the penalty provisions of s. 200-19. The commissioner of neighborhood services shall be responsible for enforcement of this section.

i-2. The historic preservation commission is authorized to hear appeals of orders issued pursuant to this section that require owners to restore their properties to their original condition, to apply for certificates of appropriateness or to comply with the terms of a previously granted certificate of appropriateness. Appeals shall be by a written request filed with the commission within 20 days of the date of the service of the order. If service of the order is made by mail, any appeal of the order shall be made in writing within 30 days of the date of the order. The commission may reverse or revise, in whole or in part, any order which a 2/3 majority of its members find an unreasonable hardship on a property owner. No hardship created by an order shall serve as a basis for reversing or revising an order. The commission shall notify the owner of its decision within 15 days.

j. Compliance. Insofar as they are applicable to a historic structure, historic site, or improvements in a historic district designated under this section, any provision of the plumbing code, electrical code, or building and housing code of the city of Milwaukee shall

apply, unless waived by the appropriate state or city officials. The commission may support or propose such waivers before the appropriate state or city appeals bodies.

10. GUIDELINES FOR REHABILITATION. In determining whether to issue a certificate of appropriateness for rehabilitation, the commission shall consider and may give decisive weight to any or all of the following:

a. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the exterior of a building, structure or site and its environment.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without a certificate of appropriateness.

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h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

j. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

10.5. INTERIM DESIGNATION. a. Public Hearing. Prior to nomination or final designation of a structure as a historic structure, the commission must, after it is petitioned in accordance with par. b, hold a public hearing on the question of whether or not a structure should be designated, on an interim basis, not to exceed 180 days, either as a historic structure or as a nonsignificant structure not qualifying as a historic structure. Notice of the time, place and purpose of the hearing shall be sent by certified letter at least 7 days prior to the hearing to the owner or owners of the subject structure, and notice shall also be sent by first class mail or other comparable means to the common council member in whose district the structure is located and to the department of neighborhood services. The decision on interim designation shall be made within 5 days after the close of the public hearing, and shall be forwarded by certified letter to the owner or owners of the subject structure and also be sent by first class mail or other comparable means to the common council member in whose district the structure is located and to the department of neighborhood services.

b. Procedure. b-1. The hearing described in par. a shall, in cases where a demolition permit on the subject structure has been applied for under s. 200-26-1, be held within 15 days after receipt by the commission of a duly signed and acknowledged petition from any city resident.

b-2. The hearing described in par. a shall in cases where no demolition permit has been applied for under s. 200-26-1, be held within 45 days after receipt by the commission of a

duly signed and acknowledged petition from either a city resident, the owner or owners of the subject structure or any city department, board, commission or official.

b-3. Petitions filed under this paragraph shall be filed on forms approved by the commission and available at the commission office. The commission will not consider more than one such petition on a particular structure in a 180 day period or as provided in par. f.

c. Demolition Permit Withheld. The commissioner of city development shall not issue a permit for the demolition of the subject structure until the conclusion of the hearing and the entry of the interim designation decision provided for in par. a and the exhaustion of either the appeal to the common council described in par. d, or the expiration of the time for taking such appeal. The commissioner of city development's issuance of a permit for demolition of the structure may be further delayed or otherwise affected by the commission's and common council's decision regarding interim and final historic designation.

d. Appeal Petition. If, after holding the hearing set forth in par. a, the commission determines not to designate, on an interim basis, the subject structure, then any resident of the city may, within 5 days of the commission's decision, file a duly signed and acknowledged appeal petition with the city clerk for review of the commission's decision by the common council. The appeal petition shall be accompanied with a bond in the form set forth in par. e. The city clerk shall immediately notify the department of neighborhood services and the department of city development of the appeal petition. The common council shall review the commission's decision within 45 days after receipt by the city clerk of the appeal petition. The common council may then, after balancing the interest of the public in preserving the affected structure and the interest of the owner or owners in using the property for his or her own purposes, reverse or affirm the commission's decision on interim designation. If the common council reverses the commission's decision on interim designation, the subject structure shall be deemed designated as a historic structure on an interim basis for a period not to exceed 180 days. The city clerk shall immediately notify the department of neighborhood services and the department of city development of the common council's appeal decision.

e. **Appeal Bond Required.** Any person desiring to appeal a commission decision, in accordance with par. d, shall, within the time specified in par. d, file with the city clerk a bond in the penal form of \$10,000, which shall be approved by the city comptroller as to sufficiency of surety and by the city attorney as to its form and execution. The bond shall insure that the person or persons taking the appeal shall pay to the owner or owners of the subject structure any or all damages which may be sustained by the owner or owners as a result of the delay caused by an appeal which does not result in the common council's reversal of the commission's decision denying interim designation.

f. **Common Council Review.** If, after holding the hearing set forth in par. a, the commission determines to designate, on an interim basis, the subject structure, the owner or owners of said structure may, within 5 days of the commission's decision, file a duly signed and acknowledged appeal petition with the city clerk for review of the commission's decision by the common council. The common council shall review the commission's decision within 45 days after the receipt by the city clerk of the appeal petition. The common council may then, after balancing the interest of the public in preserving the affected structure and the interest of the owner or owners for using the property for his or her own purposes, reverse or affirm the commission's decision on interim designation. If the common council reverses the decision on interim designation, the commissioner of city development may then issue any permits duly applied for pursuant to s. 200-26-1. The city clerk shall immediately notify the department of neighborhood services and the department of city development of the common council's appeal decision. The commission shall not entertain another petition for a hearing on the subject structure under par. a until 180 days after the common council's reversal of the commission's prior interim designation decision.

g. **Recommendation.** The interim designation of a structure shall be for a period not to exceed 180 days. Within 90 days of the date of the initiation of the interim designation, the commission shall hold the hearing described in sub. 8-a regarding the structure and forward its recommendations to the common council. During the period of interim designation, which shall run for 180 days

except in cases where the common council has taken final action on the commission's recommendation of the structure prior to 180 days, sub. 9 shall apply to the subject structure. The interim designation of any structure shall immediately be terminated if, while the interim designation is in effect, the historic preservation commission decides, pursuant to sub. 8, not to designate the same structure as historic.

11. **SUPERVISION OF CERTIFICATE.** The commissioner of neighborhood services or the commissioner's appointed representative shall periodically inspect any undertaking authorized by a certificate of appropriateness. If the commissioner shall detect any violation of the conditions or standards prescribed in the certificate, or any uncertified change of any structure, the commissioner shall report such violations to the commission and take appropriate action under ss. 200-11-3, 200-12-1 and 200-19.

12. **MOTHBALLING CERTIFICATE.** To prevent demolition of structures which should be left standing because of their historic significance, the historic preservation commission may grant the mothballing certificate required by s. 200-11.5 to allow the commissioner of neighborhood services to stay enforcement of property maintenance and condemnation codes against vacant structures which have been designated local or national historic structures or which are part of local or national historic sites or districts.

a. **Application.** The owner of any vacant structure with local or national historic designation may file an application for a mothballing certificate with the historic preservation officer, who shall immediately forward the application to the commission for recommendation and report. Application for a mothballing certificate may not be made for any structure which the commissioner of neighborhood services has determined poses an immediate threat to public health and safety.

b. **Hearing.** The commission shall schedule a public hearing on a request for a mothballing certificate within 30 days of its receipt of the application for such certificate. Notice of the time, place and purpose of the hearing shall be sent by regular mail to the applicant at the address stated on the application and to all owners of property within 200 feet of the property containing the

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structure to which the mothballing certificate would apply. Such notice shall be given at least 10 days prior to the hearing. The notice to the applicant shall also specify that the applicant is required to furnish a rehabilitation plan to the commission on or before the date of the hearing. The notice may require that the plan include one or more of the following: floor plans, detail drawings, elevations, photographs, and information on sources of financing and contractors and materials to be used. The plan shall specify a tentative time line for completion of the project or its various phases.

c. Commission Findings. After conducting the public hearing, the commission shall grant a mothballing certificate if it finds that the applicant has developed a plan for the rehabilitation of the structure which is consistent with the rehabilitation guidelines of sub. 10, which is within the financial means of the applicant, and which will be carried out within a reasonable period of time. The commission shall also determine that issuance of a mothballing certificate will not have a detrimental impact on nearby properties and the surrounding neighborhood. As a condition for granting such certificate, the commission may

set any requirements which it deems appropriate. The commission shall notify the applicant of its decision within 15 days of the hearing.

d. Upkeep of Premises. The premises upon which a structure with a valid mothballing certificate is located shall be maintained in such a manner that adjacent sidewalks are kept clean of dirt and snow, lawns, trees and shrubs are suitably mowed and trimmed, and the grounds are free of litter, debris, junk cars and outdoor storage and nuisances of all types. The interior of the building shall be protected from the elements.

e. Periodic Review. A mothballing certificate shall be valid for the period of time deemed appropriate by the commission. Such certificate shall be reviewed by the commission within 6 months of the date of original issuance and every 6 months thereafter. Notice of the review shall be given to the certificate holder and area property owners using the procedure described in par. b. At least 10 days prior to each review date, the certificate holder shall provide the commission with a written report on progress that has been made in implementing the rehabilitation plan during the

past 6 months. When reviewing a mothballing certificate, the commission shall evaluate the progress the certificate holder has made towards implementing or completing the rehabilitation project, or the progress that the certificate holder has made in obtaining the necessary financing for such project. The commission shall also consider the extent to which the certificate holder has complied with the provisions of this subsection and with any special conditions the commission placed on the certificate at the time it was issued. The commission may add conditions to a certificate, remove conditions from the certificate, or revoke the certificate after any periodic review of the certificate.

f. Appeal. If, upon a hearing by the commission, the application for a mothballing certificate is denied, the conditions attached to an approved mothballing certificate are unacceptable to the applicant, or a mothballing certificate is revoked by the commission, the applicant may appeal the commission's decision to the common council. Appeals shall be by written request filed with the city clerk within 20 days after the mailing of the certified letter to the applicant of the commission's decision.

The city clerk shall file the appeal request with the common council. After a public hearing, the council may, by vote of 2/3 of its members, reverse or modify the decision of the commission if it finds that doing so would:

f-1. Serve the interest of the public by preserving an historic structure.

f-2. Not negatively impact the surrounding neighborhood.

f-3. Relieve the property owner of unreasonable conditions placed on the issuance of the mothballing certificate or hardships relating to implementation of the rehabilitation plan which are not self-created.

g. Revocation. If the department of neighborhood services or any owner or owners of property within 200 feet of a property with a currently valid mothballing certificate files a written petition with the commission requesting revocation of such certificate and stating the reasons for such request, the commission shall consider revocation of the certificate at its next regularly scheduled meeting which is at least 15 days from the date of receipt of the petition. Notice of the request for certificate revocation, along with the time and place of the commission meeting at which revocation will

be considered, shall be sent to the certificate holder by certified mail at least 10 days prior to such meeting.

13. CERTAIN CHANGES NOT PROHIBITED. Nothing contained in this section shall prohibit the making of any change of any exterior or architectural feature on a designated historic site, historic structure or in a historic district pursuant to the order of any governmental agency or pursuant to any court judgment for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property.

14. ADMINISTRATIVE REVIEW APPEALS BOARD. Any person or any city officer, department or board aggrieved by any decision of the commission made under the provisions of this section may appeal said decision to the administrative review appeals board pursuant to s. 320-11.

15. CERTIFICATE REQUIRED FOR FORMER LANDMARK STRUCTURES. Any building, structure or site which had been declared as a landmark by the former landmarks commission shall be subject to the procedures of sub. 9 for reconstruction, rehabilitation or demolition on or prior to May 1, 1982.

308-- (HISTORY) City Development**LEGISLATIVE HISTORY
CHAPTER 308**Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

rn = renumbered

rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 308	cr	881930	3/7/89	3/25/89
308-1-2-g	rn to 308-1-2-h	920988	11/12/92	12/20/92
308-1-2-g	cr	920988	11/12/92	12/20/92
308-1-2-g	rp	991247	11/29/99	1/1/2000
308-1-2-h	rn to 308-1-2-k	980963	12/18/98	1/1/99
308-1-2-h	cr	980963	12/18/98	1/1/99
308-1-2-i	cr	980963	12/18/98	1/1/99
308-1-2-j	cr	980963	12/18/98	1/1/99
308-1-2-L	cr	020593	11/8/2002	1/1/2003
308-1-3-c	am	921842	6/15/93	7/2/93
308-1-3-c	rc	980963	12/18/98	1/1/99
308-1-3-c-3	rn to 308-1-3-c-4	981447	2/9/99	2/26/99
308-1-3-c-3	cr	981447	2/9/99	2/26/99
308-1-6-a	am	891611	12/19/89	1/13/90
308-22	cr	912282	6/16/92	7/3/92
308-22-1-b-1-c	am	961921	4/22/97	5/9/97
308-22-2-a	am	980963	12/18/98	1/1/99
308-22-2-d	am	980963	12/18/98	1/1/99
308-23-4	cr	001267	1/16/2001	2/2/2001
308-28	cr	980680	9/23/98	10/10/98
308-28-1	am	001458	2/27/2001	3/16/2001
308-28-4-d	am	001458	2/27/2001	3/16/2001
308-28-7	am	001458	2/27/2001	3/16/2001
308-51	rp	980963	12/18/98	1/1/99
308-51-2-b	rc	960239	6/4/96	6/21/96
308-51-2-d-8	cr	921842	6/15/93	7/2/93
308-52	cr	921842	6/15/93	7/2/93
308-52	rp	980963	12/18/98	1/1/99
308-52-5	rn to 308-52-6	940843	10/18/94	11/4/94
308-52-5	cr	940843	10/18/94	11/4/94
308-52-6	rn to 308-52-7	940843	10/18/94	11/4/94
308-71	rc	901979	5/14/91	6/1/91
308-71-1-a	am	961950	7/11/97	7/30/97
308-71-1-a	am	980963	12/18/98	1/1/99
308-71-2-e	am	010105	5/30/2001	6/16/2001
308-71-3-a	am	960229	6/4/96	6/21/96
308-71-3-a	rc	971381	1/20/98	2/6/98
308-71-3-a-1	am	980963	12/18/98	1/1/99
308-71-4-f	am	980963	12/18/98	1/1/99
308-71-5-0	am	980963	12/18/98	1/1/99
308-71-5-b-0	rn to 308-71-5-b-1	960621	7/30/96	8/16/96
308-71-5-b-1	rn to 308-71-5-b-2	960621	7/30/96	8/16/96
308-71-10-b	am	980963	12/18/98	1/1/99
308-71-12-b	am	980963	12/18/98	1/1/99
308-71-14	am	961950	7/11/97	7/30/97
308-71-15-a	am	980963	12/18/98	1/1/99
308-81-1.5	cr	901979	5/14/91	6/1/91
308-81-3	rc	010758	10/12/2001	10/31/2001

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308-81-7-g	rn to 308-81-7-h	941691	3/8/95	3/25/95
308-81-7-g	cr	941691	3/8/95	3/25/95
308-81-8-0	am	001704	5/8/2001	5/25/2001
308-81-8-a	am	970344	7/11/97	7/30/97
308-81-8-a	am	980694	10/30/98	11/18/98
308-81-8-a	rc	001704	5/8/2001	5/25/2001
308-81-8-b-0	am	980694	10/30/98	11/18/98
308-81-8-c	am	030891	11/25/2003	12/16/2003
308-81-8-d	am	980963	12/18/98	1/1/99
308-81-8-e	am	000441	7/25/2000	8/11/2000
308-81-8-f	cr	000441	7/25/2000	8/11/2000
308-81-8.5	cr	030891	11/25/2003	12/16/2003
308-81-9-0	am	980963	12/18/98	1/1/99
308-81-9-a	am	980694	10/30/98	11/18/98
308-81-9-c	am	970344	7/11/97	7/30/97
308-81-9-d	am	980963	12/18/98	1/1/99
308-81-9-f	am	970344	7/11/97	7/30/97
308-81-9-i	rc	980694	10/30/98	11/18/98
308-81-9-i	am	980963	12/18/98	1/1/99
308-81-10.5	am	970344	7/11/97	7/30/97
308-81-10.5-a	am	980963	12/18/98	1/1/99
308-81-10.5-c	am	980963	12/18/98	1/1/99
308-81-10.5-d	am	980963	12/18/98	1/1/99
308-81-10.5-f	am	980963	12/18/98	1/1/99
308-81-10.5-g	am	000197	7/25/2000	8/11/2000
308-81-11	am	980694	10/30/98	11/18/98
308-81-11	am	980963	12/18/98	1/1/99
308-81-12	rn to 308-81-13	941691	3/8/95	3/25/95
308-81-12	cr	941691	3/8/95	3/25/95
308-81-12-0	am	980963	12/18/98	1/1/99
308-81-12-a	am	980963	12/18/98	1/1/99
308-81-12-f-0	am	970344	7/11/97	7/30/97
308-81-12-g	am	970344	7/11/97	7/30/97
308-81-12-g	am	980963	12/18/98	1/1/99
308-81-13	rn to 308-81-14	941691	3/8/95	3/25/95
308-81-14	rc	941691	3/8/95	3/25/95

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